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50169/105/ENPO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

The re-patent application of
T.Y. TANG

Serial No. 08/401,229

Group Art Unit: 2501

Filed: March 9, 1995

Examiner: J. Lee

For: IN-SITU REAL-TIME MONITORING TECHNIQUE AND APPARATUS FOR
ENDPOINT DETECTION OF THIN FILMS DURING
CHEMICAL/MECHANICAL POLISHING PLANARIZATION

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.56

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

In order to comply with Applicant's duty of disclosure pursuant to 37 CFR § 1.56, submitted herewith on a modified Form PTO-1449 is a listing of documents known to Applicant. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §§ 1.97-1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or is considered to be material to patentability as defined in 37 CFR § 1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior art reference against the claims of the present application.

STATEMENT OF RELEVANCE

U.S. Patent No. 5,499,733 to Litvak discloses optical monitoring of endpoint during the processing of material layers in an optically hostile environment. In this patent, only Figures 9 and 10 relate to CMP endpoint monitoring. With respect to the subject matter of Figures 9 and 10, the effective filing date is September 16, 1993 because this matter was added for the

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first time in Litvak's CIP (Ser. No. 122,207). None of the CMP subject matter is found in Litvak's earlier specification of Ser. No. 946,942. Accordingly, the Litvak '733 patent does not qualify as prior art under 35 U.S.C. § 102 because the present claims enjoy an effective filing date of December 28, 1992.

U.S. Patent No. 5,308,447 to Lewis et al. relates only to front side endpoint monitoring in non-CMP environments. There is no teaching or suggestion to include either an electrical slipring or a rotating coupler in the Lewis apparatus.

TIMING OF THE DISCLOSURE

The instant Information Disclosure Statement is being submitted under the provisions of 37 CFR 1.97(d), after issuance of a final office action or notice of allowance, but prior to payment of the issue fee.

CERTIFICATION

Applicant certifies that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in § 1.56(c) more than three months prior to the filing of the statement.

PETITION

Accordingly, Applicant petitions for consideration of the documents submitted and attaches the petition fee of \$ 130.00 set forth in 37 CFR § 1.17(i)(1).

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Applicant respectfully requests that the listed documents be considered by the Examiner and formally be made of record in the present application and that an initialled copy of Form PTO-1449 be returned in accordance with MPEP § 609.

Respectfully submitted,

June 17, 1996
Date


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Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 19-0741 for any such fees; and applicant(s) hereby petition for any needed extension of time.